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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY RIGINAL CIVIL JURISDICTION

COMPNAY PETITION NO.282 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

Mr. Niranjan Mogre i/by M/s. Haresh Mehta & Co. for the petitioners.

No appearance for the respondents.

CORAM : ANOOP V. MOHTA,J.

DATED : 12th July, 2007

P.C.

1. The petitioners have invoked the provisions of Section 433 and 434 of the Companies Act-1956 for Rs.10,68,430/- (Rupees ten lacs sixty eight thousand four hundred thirty only) which was outstanding and due and payable towards the service rendered by the petitioner to the respondent. A statutory notice as contemplated under the Act was issued on 10/03/2003. Though served there was no reply of the

respondent company, therefore, the present petition has been filed on 11/07/2003.

2. On 25th February, 2005, this Court has admitted the petition. The petitioners have complied with all the formalities including of advertisement. Affidavit of service dated 28th June, 2006 is also the part of the record.

3. There is no appearance or resistance of any kind, on record. The averments made in the petition as well as the demand notice in question, remained uncontroverted.

4. The claim is also within limitation.

5. Taking all this into the account, the petition is allowed

in terms of prayer clause (a) and (b).

6. Parties to take necessary steps in accordance with law.

7. The petition is allowed.

[ANOOP V. MOHTA, J.]